

Senate Bill No. 964

CHAPTER 803

An act to add Sections 60852.5 and 60852.6 to the Education Code, relating to the high school exit examination.

[Approved by Governor October 10, 2003. Filed
with Secretary of State October 11, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 964, Burton. High school exit examination.

Existing law requires, commencing with the 2003–04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

This bill would require the Superintendent of Public Instruction to develop, and the State Board of Education to approve, by January 31, 2004, a request for a proposal for an independent consultant to assess options and provide recommendations for alternatives to the high school exit examination for pupils with disabilities to be eligible for a high school diploma. The bill would require the independent consultant to be selected by a selection panel established by this bill by April 30, 2004. The bill would require the superintendent to establish, by April 30, 2004, an advisory panel, composed of members with prescribed qualifications for the purpose of advising the independent consultant. The bill would require the independent consultant to provide the advisory panel with a preliminary report and to prepare and disseminate a final report by May 1, 2005. The bill would authorize the superintendent, upon approval of an expenditure plan by the Department of Finance and the Joint Legislative Budget Committee, to provide funds for the purposes of implementing the recommendations of the independent consultant.

This bill would provide that the members of the advisory panel shall serve without compensation for a term of one year and would require the State Department of Education to provide staff and resources to the advisory panel.

This bill would provide that the \$1,000,000 appropriated in Schedule 12 of Item 6110-113-0890 of Section 2.00 of the Budget Act of 2003 shall be available for the purposes of the independent consultant and his or her report and to support the approved options pursuant to this bill.

The people of the State of California do enact as follows:

SECTION 1. Section 60852.5 is added to the Education Code, to read:

60852.5. (a) By January 31, 2004, the Superintendent of Public Instruction shall develop, and the State Board of Education shall approve, a request for a proposal for an independent consultant to assess options and provide recommendations for alternatives to the high school exit examination for pupils with disabilities to be eligible for a high school diploma. By April 30, 2004, an independent consultant shall be selected by a selection panel consisting of one representative appointed by each of the following persons and entities:

- (1) The President pro Tempore of the Senate.
- (2) The Speaker of the Assembly.
- (3) The Legislative Analyst's Office.
- (4) The State Department of Education.
- (5) The Department of Finance.

(b) The independent consultant should possess expertise on the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and applicable state law, as well as assessment methodologies concerning pupils with disabilities.

(c) The independent consultant shall, in consultation with the advisory panel established pursuant to Section 60852.6, prepare a report that does all of the following:

(1) Recommends options for graduation requirements and assessments for pupils who are individuals with exceptional needs, as defined in Section 56026, or who are disabled, as defined in Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).

(2) Identifies those provisions of state and federal law and regulation that are relevant to graduation requirements and assessments for pupils who are individuals with exceptional needs.

(3) Recommends the steps that would be taken to bring California into full compliance with the state and federal law and regulations that are identified pursuant to paragraph (2).

(d) The independent consultant shall provide the advisory panel established pursuant to Section 60852.6 with a preliminary report of findings and shall include the advisory panel's concerns and recommendations in a final report. The final report shall be disseminated to the members of the advisory panel, the Legislature, the Legislative Analyst's Office, the Department of Finance, the State Department of Education, and interested parties no later than May 1, 2005.

(e) The Superintendent of Public Instruction may, upon approval of an expenditure plan by the Department of Finance and the Joint



Legislative Budget Committee, provide funds for the purposes of implementing the recommendations provided pursuant to subdivision (c).

SEC. 2. Section 60852.6 is added to the Education Code, to read:

60852.6. (a) The Superintendent of Public Instruction shall establish, by April 30, 2004, a 15-member High School Exit Examination for Pupils With Disabilities Advisory Panel to advise the independent consultant selected pursuant to Section 60852.5. The members of the advisory panel shall be composed of the following individuals:

- (1) Three parents or guardians of pupils with disabilities.
- (2) An individual with disabilities.
- (3) Three credentialed teachers who work with pupils with disabilities.
- (4) Two representatives of institutions of higher education that prepare special education and related services personnel.
- (5) A director of a special education local planning area.
- (6) Two school administrators whose duties relate to the provision of services to pupils with disabilities.
- (7) A representative from the State Department of Education.
- (8) A representative of a vocational, community, or business organization concerned with the provision of transition services to pupils with disabilities.
- (9) A representative of community-based organizations providing special education and related services.

(b) The members of the advisory panel shall serve without compensation for a term of one year and shall be representative of the state's ethnic and cultural diversity and gender balance. The Superintendent of Public Instruction shall also make every effort to ensure that the panel is representative of the state's diversity relative to urban, suburban, and rural areas. The State Department of Education shall provide staff and resources to the advisory panel.

SEC. 3. Of the funds appropriated in Schedule 12 of Item 6110-113-0890 of Section 2.00 of the Budget Act of 2003, the amount of four hundred thousand dollars (\$400,000) shall be available for the purposes of Section 60852.5 of the Education Code. The balance of six hundred thousand dollars (\$600,000) shall be available until June 30, 2006, to support approved options pursuant to subdivision (e) of Section 60852.5 of the Education Code.

